

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, November 5, 2008, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, October 22, 2008 Worksession.

Action: Approved, (DKG/CGT, 5-0).

2. **S-271, Petition of The Mental Health Association of Montgomery County Maryland, Inc.** (charitable and philanthropic institution). Memorandum from Barbara Piczak, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included are letters of confirmation from the petitioner, property owner and leasing agent.

Action: Revoked the special exception as abandoned, (CGT/DKP, 5-0).

3. **S-274-D, Petition of Suburban Hospital, Inc.** (hospital). Huntington Terrace Citizens Association's Request for Recusal of Boardmember Catherine Titus from Norman Knopf, Esquire. Also included is Response of Suburban Hospital, Inc. to Huntington Terrace Citizens Association's Request for Recusal of Boardmember Catherine Titus.

Action: Opened record to include letters from Mr. Knopf and Ms. Sears and Ms. Girard, (CGT/DKP, 5-0).

4. **S-420-H and A-6279, Petitions of Holy Cross** (hospital). Letter to the Board from C. Robert Dalrymple, Esquire, and Heather Dlhopsky, Esquire, requesting the consolidation of the cases and to pay the higher to the two filing fees.

Action: (1) Opened the record to include the letter from Mr. Dalrymple and Ms. Dlhopsky; (2) granted the consolidation of the cases and petitioner to pay the higher of the two filing fees, (CGT/CJS, 5-0).

5. **S-538 [S-538-A, S-538-B, S-538-C], Petition of Aspen Hill Club** (private club). Aspen Hill Club annual report from Danielle Bouchard, General Manager.

Action: Re-opened the record to include the Club's annual report, (CJS/DKP, 5-0).

6. **1996, Petition of Yvette Johnson, Shannon Johnson and Mark Scuderi** (child day care facility). Letter from Alan Grant, Esquire, notifying the Board of a change in ownership for the special exception.

Action: (1) Re-opened the record to include Mr. Grant's letter; (2) Board to issue resolution reflecting the change in ownership, (DKP/CGT, 5-0).

7. **S-2738, Petition of John and Alicia Lovejoy** (accessory apartment). Letter to the Board from the petitioners withdrawing the special exception and requesting a refund of the filing fee.

Action: (1) Dismissed the special exception as withdrawn; (2) granted 50% (\$125.00) refund of the filing fee, (WSB/CGT, 5-0).

#### **DECISION ITEM:**

8. **S-2729, Petition of Washington, S.C. SMSA Limited Partnership (d/b/a Verizon Wireless) and Maryland-National Capital Parking and Planning Commission** (telecommunications facility). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception as amended with conditions, (DKP/CGT, 5-0).

#### **PENDING ITEMS:**

9. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
10. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07 [Pre-hearing Conference held on 3/14/07].

**PENDING ITEMS (continued):**

11. **CBA-2521-I, Petition of Montgomery General Hospital** (hospital). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification [Large exhibits: existing conditions plan and zoning vicinity map]. Item deferred for Mr. Kline to contact homeowner's association regarding its concerns [W/S 10/8/08].
12. **CBA-2924, Petition of RMC Partnership** (medical and dental clinic). Letter from April Birnbaum, Esquire, submitting the additional information requested by the Board. Item deferred for additional information regarding the chain of corporate transfers [W/S 9/10/08].
13. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception (Item deferred for additional information regarding ownership of special exception property, consensus [W/S 6/25/08].
14. **S-274-D, Petition of Suburban Hospital** (hospital). Hearing Examiner's Report and Recommendation on Motion to Dismiss. Item deferred until the Board is fully staffed [W/S 10/8/08].
15. **S-924, Petition of Thomas E. and Patricia M. Doss** (major home occupation). Letter to the Board from David Brown, Esquire, submitting a special exception site plan. Also included is a letter from the Korean Baptist Church [Large exhibit: site plan]. (1) Re-opened the record to include the letters from Mr. Brown and the Korean Baptist Church; (2) petitioner to supply information requested by the Board at the Show Cause Hearing [W/S 9/24/08].
16. **S-1791, Petition of Melissa Martell Taylor** (private educational institution). Letter to the Board from Terry Lewis requesting a transfer of the special exception. Item deferred for (1) statement of operations; (2) confirmation of the special exception will be operated in conformance with the Board's Opinion; (3) confirmation of the special exception holder [W/S 9/10/08].
17. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement [W/S 4/2/08].
18. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc [W/S 4/30/08].

**PENDING ITEMS (continued):**

19. **S-2674, Petition of Reynaldo and Zorayda Lee-Llacer** (accessory apartment). Hearing Examiner's Report and Recommendation. Also included is a letter from John Jassin, M.D., requesting Oral Argument and a letter from Norman Knopf, Esquire, on behalf of Linda and Gregory Locraft. Item deferred pending resolution of the sewer connection issue. BOA to advise County Council.
20. **S-2699 and CBA-1660 [CBA-1660], Petitions of ExxonMobil Corporation** (automobile filling station). Hearing Examiner's Report and Recommendation. Also included is a letter to the Board from Jody Kline, Esquire, requesting oral argument or a rewording of Condition No. 16 in the Hearing Examiner's Report and Recommendation for Case No. S-2699 and requesting that special exception CBA-1660 be revoked as never implemented. (1) Granted request for oral argument; (2) deferred the Hearing Examiner's Report and Recommendation [W/S 9/24/08].

**Board Members**

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Catherine G. Titus, Vice Chair  
David K. Perdue  
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